

**SEMINOLE COUNTY GOVERNMENT
LOCAL PLANNING AGENCY/PLANNING & ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Rezoning from A-1 (Agriculture) to R-3A (Multiple Family Dwelling District) – Gap Housing/Sherri Fragomeni, Fragomeni Engineering, Inc.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Cindy Matheny **EXT.** 7430

Agenda Date 07/10/02 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend approval of the rezoning from A-1 (Agriculture) to R-3A (Multiple Family Dwelling District) for property located west of Howell Branch Road and 1000 feet north of SR 426, based on staff findings and recommendations; or,
2. Recommend denial of the rezoning from A-1 (Agriculture) to R-3A (Multiple Family Dwelling District) for property located west of Howell Branch Road and 1000 feet north of SR 426, based on findings determined at the public hearing; or,
3. Continue the public hearing to a time and date certain.

(District 1 – Commissioner Maloy)

(Cindy Matheny, Senior Planner)

BACKGROUND:

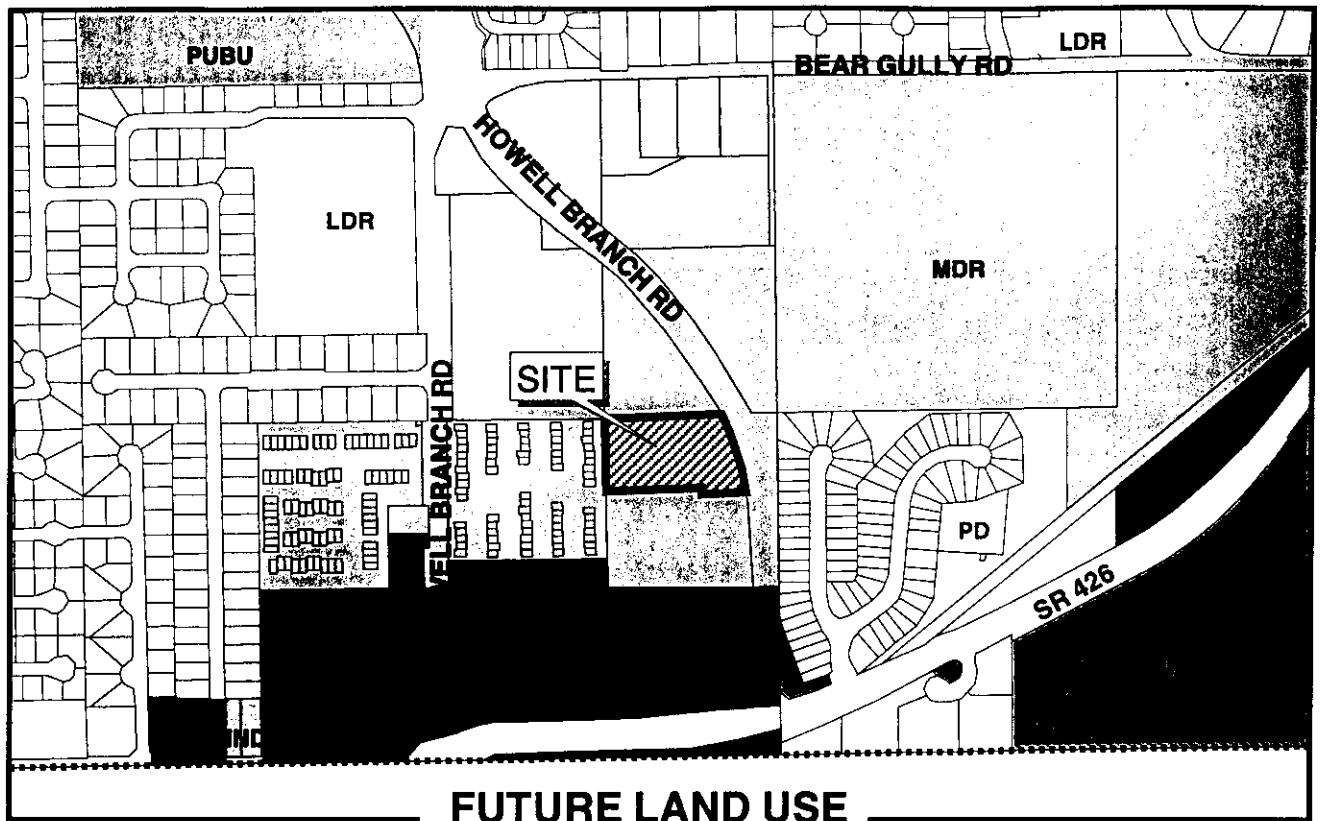
The applicant, Sherri Fragomeni, is requesting approval of a rezoning from A-1 (Agriculture) to R-3A (Multiple Family Dwelling District) in order to develop a townhouse project with a net density of 9.8 units per acre project on a 3.25-acre site.

The applicant is requesting a reduction in the active/passive building setback along the west property line, from 100 feet to 50 feet in width. Staff has no objection to the request, as the property to the west is developed with multi-family units at a similar density.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning from A-1 to R-3A, subject to the attached Development Order.

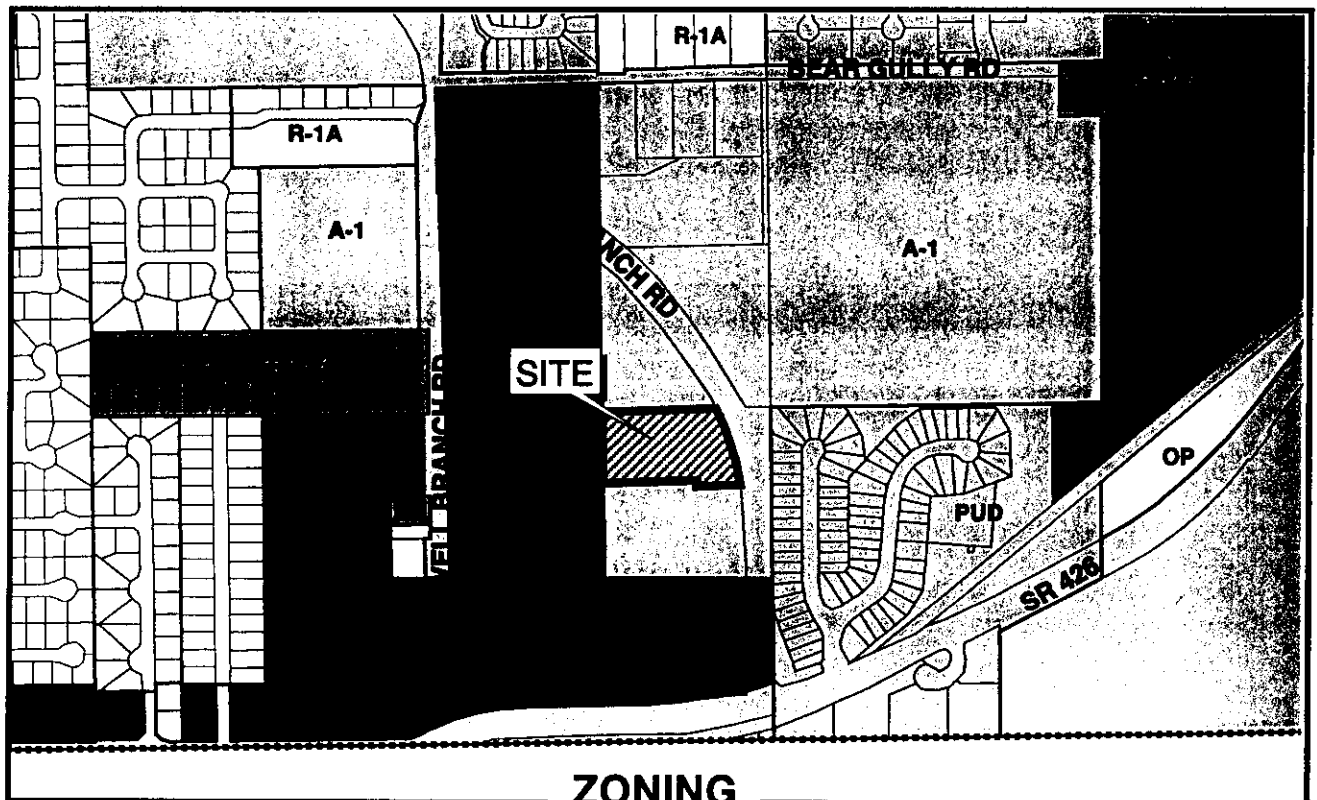
Reviewed by: _____
Co Atty: RLZC
DFS: _____
Other: AS
DCM: _____
CM: _____
File No. Z2002-004



Site
 Municipality
 COM
 LDR
 PUBU
 MDR
 PUBS
 IND

Applicant: Sherri Fragomeni w/Fragomeni Engineering, Inc.
 Physical STR: 35-21-30-300-0410-0000
 Gross Acres: 3.25 BCC District: 1
 Existing Use: Vacant
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-004	A-1	R-3A



A-1
 R-1A
 R-1AA
 R-3A
 C-2
 C-3
 PUD
 OP
 PLI
 PCD
 RP



Rezone No. Z2002-004
From: A-1 To: R-3A

- ☐ Subject Property
- ☐ Parcelbase



February 1999 Color Aerials

GAP HOUSING/SHERRI FRAGOMENI

APPLICANT:	Sherri Fragomeni, Fragomeni Engineering				
PROPERTY OWNER:	Pellajack Services LLC				
REQUEST:	Rezoning from A-1 (Agriculture) to R-3A (Multiple Family Dwelling District)				
HEARING DATES(S):	P&Z:	July 10, 2002	BCC:	TBD	
PARCEL ID NO.:	35-21-30-300-0410-0000				
PROJECT LOCATION:	West side of Howell Branch Road and 1000 feet north of SR 426				
FUTURE LAND USE:	Medium Density Residential				
FILE NUMBER:	Z2002-004				
COMMISSION DISTRICT:	1- Commissioner Maloy				

OVERVIEW

Zoning Request: The applicant is requesting a rezoning from A-1 (Agriculture) to R-3A (Multiple Family Dwelling District) for this 3.25-acre parcel in order to develop townhomes. The project would consist of 32 dwelling units at a net density of 9.8 units per acre.

The applicant is proposing a reduction in the active/passive building setback requirements along the west property line. The proposed plan meets the 50-foot wide buffer requirement, but does not meet the required 100-foot setback. To the west, the site abuts a developed multi-family project with similar densities. Staff does not object to the reduction provided the requirement for a wall, or wall with berm, and landscaping is met.

Existing Land Uses: The existing zoning designations and land uses are as follows:

Site	A-1	MDR	Vacant
North	A-1	MDR	Vacant
South	A-1	MDR	Retention pond
East	PUD and A-1	PD and MDR	Single-family
West	R-3A	MDR	Condominiums

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Vision 2020 Plan.
3. The site is served by Seminole County water and sewer:

Compatibility with surrounding development: Currently, the area has a Medium Density Residential land use designation. The proposed R-3A zoning classification is compatible with the Medium Density Residential land use designation.

STAFF FINDINGS:

1. The proposal is consistent with the allowable density and development types within the Medium Density Residential land use designation.
2. The proposal is consistent with existing residential development in the area and abuts a developed project zoned R-3A.
3. The proposal would not cause any adverse impacts to surrounding areas.
4. The proposal is consistent with the R-3A zoning classification and Vision 2020 Plan policies related to Medium Density Residential development.

STAFF RECOMMENDATION

Staff recommends approval of the requested R-3A zoning classification, per the development order.

**SEMINOLE COUNTY
DEVELOPMENT ORDER**

On _____, 2002, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEE ATTACHED EXHIBIT "A"

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Pellajack Services LLC, 380 Cemetery Rd, Braidwood, IL 60408

Project Name: Gap Housing/Sherri Fragomeni Rezone

Requested Development Approval: Rezoning from A-1 (Agriculture) to R-3A (Multiple Family Dwelling District)

The Development Approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

Prepared by: CINDY MATHENY
1101 East First Street
Sanford, Florida 32771

DEVELOPMENT ORDER #02-20000002

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

(a) The Owner shall provide a masonry wall, or masonry wall with berm, to a height of six (6) feet along the west property line.

(b) The Owner shall provide a row of canopy trees spaced twenty-five (25) feet apart along the west property line.

(c) The building setback from the west property line is reduced to fifty (50) feet.

(d) The Owner shall provide left and right turn lanes from Howell Branch Road into the project.

(e) The project shall have a maximum net density of 9.8 units per acre and a maximum of 32 units.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first above.

By: _____
Daryl G. McLain, Chairman
Board of County Commissioners

MARYANNE MORSE
Clerk of the Board of County Commissioners
of Seminole County, Florida

DEVELOPMENT ORDER #02-20000002

Order

OWNER'S CONSENT AND COVENANT

COMES NOW, Pellajack Services LLC, the owner of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Joe Pellagrino, President
Pellajack Services, LLC

Print Name

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Joe Pellegrino who is personally known to me or who has produced _____ as identification and who did acknowledge and execute the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

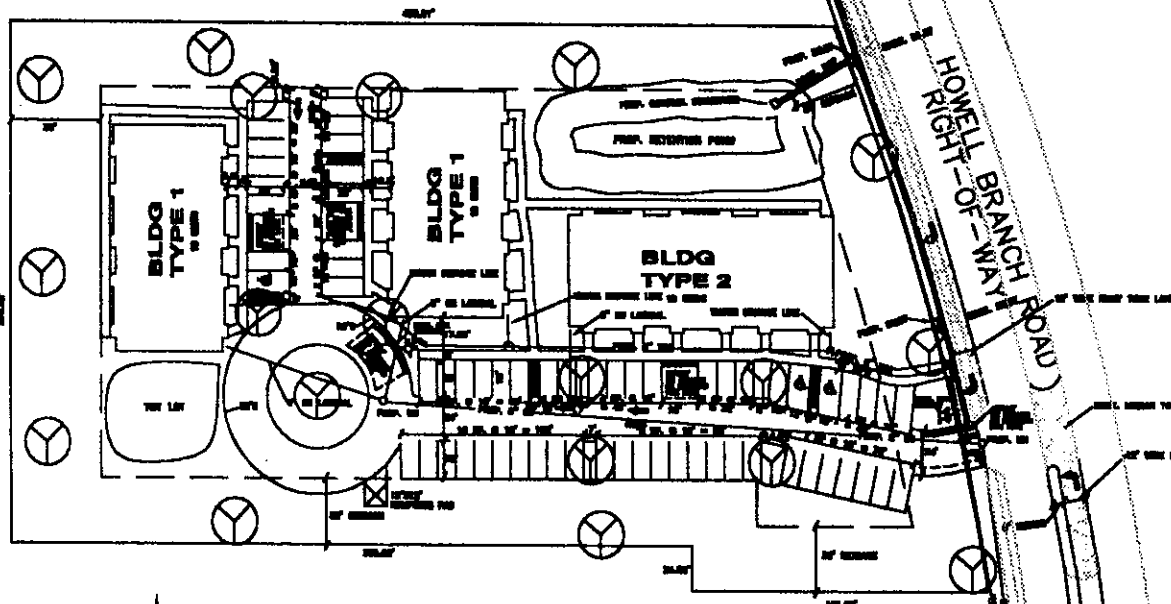
EXHIBIT A

PARCEL NO. 35-21-30-300-0410-0000

LEG SEC 35 TWP 21S RGE 30E BEG NW COR OR NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF
SE $\frac{1}{4}$ RUN S TO A PT 385.27 FT

N OR SW COR OF NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SE $\frac{1}{4}$ E 375 FT S 1 DEG 8 MIN 15
SEC E 24 FT E 161.65 FT TO WLY R/W

DEVELOPMENT PLAN



SCALE: 1" = 30'



SITE DATA
 ZONING: PUD - 10, 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000, 10100, 10200, 10300, 10400, 10500, 10600, 10700, 10800, 10900, 11000, 11100, 11200, 11300, 11400, 11500, 11600, 11700, 11800, 11900, 12000, 12100, 12200, 12300, 12400, 12500, 12600, 12700, 12800, 12900, 13000, 13100, 13200, 13300, 13400, 13500, 13600, 13700, 13800, 13900, 14000, 14100, 14200, 14300, 14400, 14500, 14600, 14700, 14800, 14900, 15000, 15100, 15200, 15300, 15400, 15500, 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163700, 163800,

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM THE A-1 (AGRICULTURE) CLASSIFICATION TO THE R-3A (MULTIPLE FAMILY DWELLING) CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Gap Housing/Sherri Fragomeni".

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to R-3A (Multiple Family Dwelling District)

SEE ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order #02-20000002 in the Official Land Records of Seminole County.

ENACTED this ____ day of _____, 2002.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

GAP HOUSING/SHERRI FRAGOMENI (Z2002-004)

PARCEL NO. 35-21-30-300-0410-0000

LEG SEC 35 TWP 21S RGE 30E BEG NW COR OR NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SE $\frac{1}{4}$
RUN S TO A PT 385.27 FT

N OR SW COR OF NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SE $\frac{1}{4}$ E 375 FT S 1 DEG 8 MIN 15 SEC
E 24 FT E 161.65 FT TO WLY R/W